

AMENDED IN SENATE MAY 18, 2004

AMENDED IN SENATE MAY 4, 2004

AMENDED IN SENATE APRIL 27, 2004

AMENDED IN SENATE APRIL 13, 2004

## SENATE BILL

**No. 1592**

**Introduced by Senator Torlakson**

February 20, 2004

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An act to amend Section 65400 of, and to add Section 65458 to, the Government Code, relating to local planning.

### LEGISLATIVE COUNSEL'S DIGEST

SB 1592, as amended, Torlakson. Local planning.

(1) The Planning and Zoning Law requires a city or county to adopt a general plan for land use development that includes a housing element, land use element, and an open-space element. The law authorizes the preparation of specific plans for the systematic implementation of the general plan.

This bill would, except as specified, require each city and each county to adopt or amend ~~an infill ordinance or a~~ specific plan *for infill development* that identifies potential infill sites and specifies appropriate zoning to encourage infill development on vacant and underutilized parcels. It would require the ~~infill ordinance or~~ specific plan to provide at least 5 incentives for infill housing, as specified, as well as an affordable housing strategy. By imposing additional duties upon local officials, this bill would create a state-mandated local program.

The bill would also require ~~(1)~~ (a) each city and county to comply with these provisions no later than one year from the date specified for the fifth revision of its housing element, ~~(2)~~ (b) beginning October 1, 2007, the Office of Planning and Research and the Department of Housing and Community Development to monitor these provisions, and ~~(3)~~ (c) the local planning agency to include, in a specified annual report, information demonstrating compliance with the infill requirements.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 65400 of the Government Code is  
2 amended to read:

3 65400. After the legislative body has adopted all or part of a  
4 general plan, the planning agency shall do both of the following:

5 (a) Investigate and make recommendations to the legislative  
6 body regarding reasonable and practical means for implementing  
7 the general plan or element of the general plan, so that it will serve  
8 as an effective guide for orderly growth and development,  
9 preservation and conservation of open-space land and natural  
10 resources, and the efficient expenditure of public funds relating to  
11 the subjects addressed in the general plan.

12 (b) (1) Provide an annual report to the legislative body, the  
13 Office of Planning and Research, and the Department of Housing  
14 and Community Development on the status of the plan and  
15 progress in its implementation, including the progress in meeting  
16 its share of regional housing needs determined pursuant to Section  
17 65584 and local efforts to remove governmental constraints to the  
18 maintenance, improvement, and development of housing pursuant  
19 to paragraph (3) of subdivision (c) of Section 65583.

20 (2) The housing portion of the annual report required to be  
21 provided to the Office of Planning and Research and the

Department of Housing and Community Development pursuant to this subdivision shall be prepared through the use of forms and definitions adopted by the Department of Housing and Community Development pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of, Chapter 4 (commencing with Section 11370) of, and Chapter 5 (commencing with Section 11500) of, Part 1 of Division 3 of Title 2).

(3) On or after the compliance date that applies to the jurisdiction pursuant to subdivision (b) of Section 65458, this report shall include information that demonstrates how the jurisdiction has complied with the requirements of that section.

(4) This report shall be provided to the legislative body, the Office of Planning and Research, and the Department of Housing and Community Development on or before October 1 of each year.

SEC. 2. Section 65458 is added to the Government Code, to read:

65458. (a) Each city and each county shall adopt or amend ~~an infill ordinance or specific plan~~ *a specific plan for infill development* that identifies potential infill sites within the jurisdiction and specifies appropriate zoning for each infill site to encourage infill development on vacant and underutilized parcels. The ~~infill ordinance or the~~ specific plan shall provide at least five of the following incentives for infill housing, as well as an affordable housing strategy, for the designated infill sites:

(1) Flexible and clear urban design guidelines and clear procedures for review.

(2) Increased densities.

(3) Minimum densities.

(4) Increased building heights.

(5) Reduced development impact fees and services fees where allowable.

(6) Establishment of a business improvement district or community facilities district.

(7) Reduction of minimum lot sizes or allow for single-family detached condominiums.

(8) Incentives for mixed use projects.

(9) Higher densities and lower parking requirements near transit stations.

(10) Establishment of a housing trust fund.

1 (b) The legislative body of each city and county shall comply  
2 with this section no later than one year from the date specified in  
3 Section 65588 for the fifth revision of its housing element.

4 (c) The provisions of this section shall not apply to either of the  
5 following:

6 (1) A city or county that adopts ~~an ordinance~~ *a specific plan for*  
7 *infill development* that finds, based on substantial evidence in the  
8 record that it has an existing ~~ordinance~~ *or* specific plan that  
9 substantially complies with the requirements of this section.

10 (2) A county with a population of 100,000 or less, based on the  
11 most recent county population estimate from the Department of  
12 Finance.

13 (d) Commencing with October 1, 2007, the Office of Planning  
14 and Research and the Department of Housing and Community  
15 Development shall monitor the implementation of this section,  
16 pursuant to Section 65400.

17 (e) The Legislature finds and declares that the promotion of  
18 infill development and the provision of housing is a matter of  
19 statewide concern and not merely a municipal affair, as that term  
20 is used in Section 5 of Article XI of the California Constitution.  
21 Therefore, this section shall apply to charter cities and to charter  
22 city and counties.

23 SEC. 3. No reimbursement is required by this act pursuant to  
24 Section 6 of Article XIII B of the California Constitution because  
25 a local agency or school district has the authority to levy service  
26 charges, fees, or assessments sufficient to pay for the program or  
27 level of service mandated by this act, within the meaning of  
28 Section 17556 of the Government Code.